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IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

Nos. 76-180, 76-183, 76-5193, 76-5200

JAMES DUMPSON, individually and as Administrator of the NEW YORK CITY HUMAN RESOURCES ADMINISTRATION; ELIZABETH BEINE, individually and as Director of the NEW YORK CITY BUREAU OF CHILD WELFARE, and as Acting Assistant Administrator of NEW YORK CITY SPECIAL SERVICES FOR CHILDREN; ADOLIN DALL, individually and as Director of the DIVISION OF INTER-AGENCY RELATIONSHIPS of the BUREAU OF CHILD WELFARE; and JAMES P. O'NEILL, individually and as Executive Director of CATHOLIC GUARDIAN SOCIETY OF NEW YORK; BERNARD SHAPIRO, individually and as Executive Director of the New York State Board of Social Welfare; ABE LAVINE, individually and as Commissioner of the New York State Department of Social Services, and JOSEPH D'ELIA, individually and as Commissioner of the Nassau County Department of Social Services,

Appellants-Defendants,

NAOMI RODRIGUEZ; ROSA DIAZ; MARY ROBINS; DOROTHY NELSON SHABAZZ; and LILLIAN COLLAZO, on behalf of themselves and all others similarly situated,

Appellants-Intervenors,

DANIELLE and ERIC GANDY, RAFAEL SERRANO, and CHERYL, PATRICIA, CYNTHIA and CATHLEEN WALLACE on behalf of themselves and all others similarly situated,

Appellants-Plaintiffs,

—against—

ORGANIZATION OF FOSTER FAMILIES FOR EQUALITY AND REFORM, MADELINE SMITH, RALPH and CHRISTINE GOLDBERG, and GEORGE and DOROTHY LHOTAN, on behalf of themselves and all others similarly situated,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BRIEF OF AMICUS CURIAE

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TABLE OF CONTENTS

Table of Authorities	iii
Interest of Amicus	1
Foster Care in New York State	3
Summary of Argument	5
Argument	7
I. The Court below erred in requiring a hearing to review agency decisions to return voluntarily placed children to their parents.....	7
A. A hearing requirement is contrary to the constitutionally guaranteed rights to family privacy and integrity.....	8
B. Foster parents have no right or interest to challenge agency decisions to return children home.....	14
C. Children have no right or interest to challenge agency decisions to return them home.....	16
D. A hearing requirement would undermine the value of voluntary foster care service programs by discouraging their use.....	19

II. The decision of the Court below to mandate due process review prior to removal of a foster child should be affirmed where removal is to other than the natural parents.....	22
A. Due process requires review of agency decisions to remove foster children to placements other than with their natural family.....	23
B. Hearing procedures must reflect and protect children's due process rights to review.....	26
C. Hearing procedures must be informal as well as constitutionally protective.....	28
Conclusion.....	31

TABLE OF AUTHORITIES

Cases:

<u>Bennett v. Jeffreys</u> , No. 381, N.Y. Ct. App. (Sept. 21, 1976).....	9
<u>Griswold v. Connecticut</u> , 381 U.S. 479 (1965).....	8
<u>May v. Anderson</u> , 345 U.S. 528 (1953).....	8
<u>Meyer v. Nebraska</u> , 262 U.S. 390 (1923).....	8
<u>Stanley v. Illinois</u> , 405 U.S. 645 (1972).....	8
<u>Weinberger v. Wiesenfeld</u> , 420 U.S. 636 (1974).....	8

Statutes:

42 U.S.C.A. §601 (1974).....	12
42 U.S.C.A. §602 (1976).....	12
42 U.S.C.A. §608(a)(4)(A) (1974).....	12
42 U.S.C.A. §1397-a (a)(1)(C) (1976).....	11
N.Y. Fam. Ct. Act §718 (McKinney 1975).....	16
N.Y. Fam. Ct. Act §756 (McKinney 1975).....	4
N.Y. Fam. Ct. Act Art. 1011 (McKinney 1975).....	9, 13
N.Y. Fam. Ct. Act §1054 (McKinney 1975).....	13
N.Y. Fam. Ct. Act §1055 (McKinney 1975).....	4
N.Y. Soc. Serv. Law §358-a (McKinney 1976).....	12
N.Y. Soc. Serv. Law §384-a (McKinney 1976).....	4, 12, 13
N.Y. Soc. Serv. Law §392 (McKinney 1976).....	5, 18
N.Y. Soc. Serv. Law §400 (McKinney 1976).....	5

Miscellaneous:

Child Welfare League of America,
Standards for Foster Family
Service (Revised ed. 1975).....11, 13, 16

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Supporting the Executive Budget.....24

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Children - A Non-Sentimental View,
in Child Welfare Services: A
Sourcebook (A. Kadushin, ed. 1970).....27

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York Court Review of Children in
Foster Care: A Follow-up Report,
60 Child Welfare 515 (Sept./Oct.
1976).....18, 30

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Beyond the Best Interest of
the Child (1973).....15

Jenkins and Norman, Beyond
Placement (1975).....21

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Social Service Review
508 (1974).....15

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(2d ed. 1974).....10, 16

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Review, 8 Law & Society Review
669 (1974).....15

Lash & Sigal, State of the Child:
New York City (1976).....24

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Annual Social Services Plan..... 11

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Social Services Metropolitan
Regional Audit Office, Audit
of Foster Care: New York City
Department of Social Services
(August, 1976)..... 25

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Care: Myth and Reality, in
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Children Adrift in Foster
Care (1973)..... 20, 25

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74 Col. L. Rev. 996 (1974)..... 15, 19

Wolins, Selecting Foster Parents
(1963)..... 26

BRIEF AMICUS CURIAE,
COMMUNITY SERVICE SOCIETY OF NEW YORK

INTEREST OF AMICUS

The Community Service Society [hereinafter "the Society"] is the oldest and largest social service agency in the country. The Society was organized in 1848 for the purpose of aiding the poor and disadvantaged in the City of New York.

The Society's Department of Public Affairs is composed of eight program committees, which study critical social issues and engage in public advocacy to foster the development and adoption of sound social welfare policies. The Committee on Social Services, one of the eight Public Affairs committees, has been principally concerned with child welfare policies and the programs which affect children and their families in New York City.

Members of the Committee on Social Services bring diverse views and experience to bear

upon the issues they consider. The membership includes a plaintiff foster parent in the instant case; the attorney for plaintiff foster parents and a principal, expert witness called by the defendant-intervenors and relied upon by several other parties. In addition, the Society's Executive Director has been called upon to give expert testimony in the instant case.

The Society, through the Committee on Social Services, works closely with other organizations, both private and public, in its efforts to encourage and maintain high quality services for New York City's children. It frequently testifies with respect to proposed legislation and administrative changes that affect child welfare programs, reviews and comments on policy positions affecting child welfare services, and proposes changes it considers desirable. Early in 1977, the Society will issue a background paper which reviews the

history and current status of New York City's foster care system.

In addition to these public affairs activities, the Society operates eleven demonstration programs, which offer a variety of social services directly to the public. Many of these programs serve families whose children are in foster care. As a result, the Society is fully familiar with the practical needs of these parents and children, and with the tensions created by the operation of the foster care system among parents, children, agencies and foster parents.

All parties have consented to the Society's submission of a brief Amicus Curiae, in which the issues addressed will be limited to those with substantial public policy consequences.

FOSTER CARE IN NEW YORK STATE

Foster care is a social service offering substitute care for children whose own families

are temporarily unable to care for them.

Temporary custody is transferred to an official of a public welfare agency, or of a private, voluntary agency. Private agencies are authorized and regulated by the state and receive public funds under purchase of service contracts. These custodians then place the foster child in institutions, or small group homes run by public or private voluntary agencies, or in the home of a foster family who receives a compensatory stipend for the expense of room, board and care.

Most placements in New York are the result of voluntary agreements between families and agency social workers pursuant to N.Y. Soc. Serv. Law §384-a (McKinney 1975). Some are the result of court orders, for example, in child abuse and juvenile delinquency proceedings. N.Y. Fam. Ct. Act §1055 (McKinney 1975); N.Y. Fam. Ct. Act §756 (1975), respectively.

In cases of voluntary placement, the custody

transfer is temporary; it does not imply a change in the basic family relationship or the right of the child and parents to resume living together as a family after the problem necessitating the placement is ameliorated. The initial placement and the timing and choice of later transfers within the foster care system are left to the agency staff and officials.

New York statutes provide for review of some agency actions in some foster care situations. See, N.Y. Soc. Serv. Law §§392, 400 (McKinney 1975). However, there is no right to a full administrative or court review prior to a child being removed from one placement to another.

SUMMARY OF ARGUMENT

As a matter of sound child care policy, a foster care agency's action to return children in voluntary foster care to their natural parents should not be subject to administra-

tive review. A review hearing, however, should be required in every case in which an agency acts to transfer a child from one foster care placement to another. This procedural difference is justified by the different legal rights and policy considerations presented by the two situations.

In voluntary placement cases, a decision to return a child home is not discretionary. Child welfare practice is based on the importance and value of family relationships. In the absence of neglect or abuse, no state interference with the parental right to the care and custody of their children is permitted. When misfortune or crisis leave parents temporarily unable to care for their children, foster care is a service designed to enable parents to ensure care for their children and to help children understand and cope with the emergency.

For privately arranged, substitute care

with grandparents, other relatives or even friends, there is no due process right to a hearing prior to return home. Voluntary care is analogous. Review of a foster care agency's decision or action to return a child home is an unwarranted reduction of parental rights based upon the value and integrity of the family.

Review should be mandated, however, when an agency acts to transfer a child within the foster care system. These decisions are discretionary and administrative. They affect the child's liberty and the quality of care he receives at a time when a public agency or its delegates stand in loco parentis. The child has a due process right to a hearing.

ARGUMENT

I

THE COURT BELOW ERRED IN
REQUIRING A HEARING TO
REVIEW AGENCY DECISIONS
TO RETURN VOLUNTARILY

PLACED CHILDREN TO THEIR
PARENTS.

A. A HEARING REQUIREMENT IS CONTRARY TO THE CONSTITUTIONALLY GUAR- ANTEED RIGHTS TO FAMILY PRIVACY AND INTEGRITY.

The rights of parents to the care and custody of their children are protected by the United States Constitution and are fundamental to the structure of our society. See, Weinberger v. Wiesenfield, 420 U.S. 636 (1974) (due process clause, XIV Amendment); Stanley v. Illinois, 405 U.S. 645 (1972) (due process clause, XIV Amendment); May v. Anderson, 345 U.S. 528 (1953) (due process clause, XIV Amendment). These rights are based upon the personal, independent right to liberty, Meyer v. Nebraska, 262 U.S. 390 (1923) (due process clause, XIV Amendment) and include the family's right to privacy Griswold v. Connecticut, 381 U.S. 479 (1965) (IX Amendment), and integrity, Stanley v. Illinois, supra at 651.

Protected by these constitutional rights, families are free to raise their children as they choose within very broad limits. They are restricted primarily by protective laws which serve as the basis for state intervention when a child is endangered by the neglect or abuse of the parents. See, e.g., N.Y. Fam. Ct. Act §1011, (McKinney 1976). The law in New York State recognizes the rights of parents and the limited ability of the state to intrude into the sphere of family relationships. "The state may not deprive a parent of the custody of a child absent surrender, abandonment, persisting neglect, unfitness or other like extraordinary circumstances." Bennett v. Jeffreys, No. 381, N.Y. Ct. App. (Sept. 21, 1976).

In finding that, after one year in voluntary foster care, a hearing is necessary before children may be returned to their families, the Court below has provided the state with a novel intrusive power, applicable only to

families whose children are being cared for within the formal foster care system. This is a serious discrimination that was never intended by our child welfare system.

The parental right to custody is consistent with the basic policies underlying America's social welfare practice and programs. The development of these programs, since the beginning of this century, has been rooted in the recognition of the importance of the family and the principles that children are best served by being raised within their own homes and families.

The 1909 White House Conference on Children provided the first clear policy statement to this effect and gave rise to mother's pension programs in many states and to the Federal Aid to Dependent Children program. A. Kadushin, Child Welfare Services 156, 226, 399 (2d ed. 1974). These programs provided subsidies to

keep the homes of poor families intact for the benefit of the children. Later, service programs designed to preserve stable homes for children were added. Currently state social service programs receive federal funds on a matching basis through Title XX of the Social Security Act, 42 U.S.C.A. §1397-a(a)(1)(c) (1976). See also, N.Y. State, 1976-77 Comprehensive Annual Social Services Plan 3.

Accordingly, the recognized professional standards in the area of foster care provide as the first basic practice principle: "The primary aim of all child welfare services is to preserve and strengthen the child's own home wherever possible...." Child Welfare League of America, Standards for Foster Family Service §0.7 (Revised ed. 1975) [hereinafter "CWLA Standards"].

Accordingly, the New York State foster care system is a service to the natural family. Voluntary foster care placement offers

substitute child care when, because of parental illness or other temporary crisis, children cannot be cared for in their own homes. If no family member or friend can help, and the family cannot afford to purchase substitute care, the child may be voluntarily placed by the family into the custody of the state which provides and pays for foster care.^{1/}

New York law requires a written agreement pursuant to N.Y. Soc. Serv. Law §384-a. The agreement's terms anticipate a limited stay in foster care and the child's return home. Thus, voluntary foster care placement is similar to other temporary transfers of custody, for example, to boarding schools and summer camps which are sometimes used for

^{1/}For cases which involve federal funding through the Aid to Families with Dependent Children (AFDC) Program, 42 U.S.C.A. §601 (1974); 42 U.S.C.A. §602 (1976), the additional procedure found in N.Y. Soc. Serv. Law §358-a (McKinney 1976) is required to meet the requirements of 42 U.S.C.A. §608(a)(4)(A) (1974).

similar purposes and which require similar medical waivers and releases.

The laws protecting children from neglect and abuse, see e.g., N.Y. Fam Ct. Act §1011 et seq. (McKinney 1975) apply to children in foster care. If an agency fears for a child's safety at home, a protective court proceeding can be initiated while the child is still in placement. See, N.Y. Soc. Serv. Law §384-a. In cases where foster placement is involuntary, as, for example, after a finding of child abuse, court approval is necessary before an agency can return a child home. N.Y. Fam. Ct. Act §1054 (McKinney 1975).

Absent court intervention, however, parents of voluntarily placed foster children retain the right to the care and custody of their children. They retain "the full right to have the child returned to them upon request."

CWLA Standards §2.2.

The hearing mandated by the Court below delays the child's return home and subjects the parents' absolute right to custody to a review procedure, thereby imposing, or at least implying, agency discretion in responding to requests for the return of voluntarily placed children. In so doing, it interferes with the constitutionally protected rights of family privacy and integrity and contravenes the written agreement of the parties.

B. FOSTER PARENTS HAVE NO
RIGHT OR INTEREST TO
CHALLENGE AGENCY DECISIONS
TO RETURN CHILDREN
HOME.

The Court below was correct in failing to find any constitutionally protected interest or right in the foster family relationship. However, the Court should have gone further and decided that the interests of the foster family are inferior to that of the natural parents. Amended Opinion, at 8-9.

The conclusions concerning the "psychological parent" propounded by J. Goldstein, A. Freud and A. Solnot, in their book Beyond the Best Interest of the Child (1973) upon which plaintiff foster parents rely are disputed. See, e.g., A. Kadushin, Book Review, 48 Social Service Review 508 (1974); D. Katkin, B. Bullington & M. Levine, Book Review, 8 Law & Society Review 669 (1974); P. Strauss & J. Strauss, Book Review, 74 Col. L. Rev. 996 (1974)[hereinafter "Strauss & Strauss"]. Indeed, the inability to predict the benefits of, or to identify the psychological family relationship is acknowledged by the authors. Goldstein et al., supra at 6, 49-52, 63, 83-84, and 146-148. If the position of the plaintiff foster parents were accepted, foster care service providing temporary substitute child care would be unworkable, as its intent requires foster parents to play a role supportive of the child's relationship with his

own family. See, e.g., A. Kadushin, Child Welfare Services 432 et seq. (2d ed. 1974); CWLA Standards, §4.31.

C. CHILDREN HAVE NO RIGHT
OR INTEREST TO CHALLENGE
AGENCY DECISIONS TO RE-
TURN THEM HOME.

A child has a constitutionally protected right to live together with his natural or adopted family supra p. 8; he has no right to live away from home. See, N.Y. Fam. Ct. Act §718 (McKinney 1975).

There is no precedent for permitting the preference of a child to determine his parents, his home or his family. Indeed, a child has no right to dictate his own custody. Boarding schools, summer camps, relatives and live-in employees often assume temporary custody of children without giving rise to the right of the child to prefer that living arrangement to his family and home. There is nothing in the concept of temporary foster care placement

that suggests that a different consequence should follow.

If we recall that most foster children are poor and most foster parents at least somewhat financially better off, see, e.g., M. Rein, T. Nutt & H. Weiss, Foster Care: Myth and Reality, in Children and Decent People 24 (A. Schorr, ed. 2d ed. 1974) the possibility that a child might express a preference to remain in what is nearly always, from an economic viewpoint, a "better" neighborhood, school and home is not surprising. But even if the home were also found to be "better" psychologically and emotionally, the state has not undertaken to guarantee or to pay for substitute care, however much "better" it might be, for children whose families are able to provide adequate care in their own homes. Perhaps one important reason why the state has not done so is the inability of any institution or professional group to balance

accurately and predict which of two homes would be "better" for a child's care and upbringing when one is provided by the child's own family.

While an exception should perhaps be made for children in foster care for extended periods, in the majority of cases this need could easily be met within the context of the foster care court review under N.Y. Soc. Serv. Law §392 particularly if children were made independently represented parties. Section 392 review has proved effective in limiting the time children spend in foster care without a permanent plan for their future. T. Festinger, The Impact of the New York Court Review of Children in Foster Care: A Follow-up Report, 60 Child Welfare 515 (Sept./Oct. 1976). This review is likely to make the occurrence of long, unplanned foster care stays (such as the plaintiff children in this case have known) less frequent in the future.

D. A HEARING REQUIREMENT
WOULD UNDERMINE THE
VALUE OF VOLUNTARY
FOSTER CARE SERVICE
PROGRAMS BY DISCOUR-
AGING THEIR USE.

The very existence of the hearing procedure implies the possibility that, even in the absence of abuse or neglect, children in foster care might not be returned to their family. Knowledge of the hearing procedure and the ensuing delays can only discourage the use of foster care service. A refusal by a parent to use foster care when it is needed will leave children in danger of being harmed by inadequate substitute care arrangements and possibly deprive them temporarily of any care at all. See, Strauss & Strauss, supra at 1006-08.

In practice, the existence of a hearing has a chilling effect upon custodial rights regardless of the standards applied. A review of the decision to return a child home is by its very nature inconsistent with the notion,

recognized by the Court below, Amended Opinion at 10-11, that return home is not discretionary.

The foster care system has often seemed to work against the families it serves. The failure to provide natural parents with promised services intended to ease or resolve the difficulties which necessitated placement is one of the most frequent criticisms of the foster care system. "...[T]he focus and time limitations of the workers are such that efforts tend to be geared away from the natural parent and toward the foster home..." E. Sherman, R. Neuman, & A. Shyne, Children Adrift in Foster Care 5 (1973). Visitation is made difficult by placements distant from the parents, by agency-imposed schedules and limitations, and by lack of adequate public transportation which is especially necessary for poor urban families. See, e.g., S.

Jenkins, & E. Norman, Beyond Placement 65-66 (1975).

In this context, a procedure which impedes the return of children to their homes only serves to reinforce the factors in the system that weigh against the status and rights of parents.

The actual delay as well as the implication that there is a basis to review a decision to return a child home is more restrictive than current practice. The structure of the hearing itself presents an apparent shift in the position of the parties as all appear on equal footing to present their views of what the child wants or needs or should have.

A comparison between the homes offered by the parents and the foster parents is inevitable. The intensity and value of the family bond is far less visible than the material benefits generally offered by

foster parents. It must be expected that to some degree a natural tendency on the part of the middle-class professional reviewer to favor the more socially acceptable and economically superior home will be acted upon despite a contrary legal standard.

Even if legal standards are scrupulously respected, parents will perceive a limitation of their right to custody in the very fact of the adversarial hearing and the concomitant delay in returning their children home. This perception is as likely to lead to a reluctance to make use of foster care as an actual application of more restrictive standards.

II

THE DECISION OF THE COURT
BELOW TO MANDATE DUE PRO-
CESS REVIEW PRIOR TO RE-
MOVAL OF A FOSTER CHILD
SHOULD BE AFFIRMED WHERE
REMOVAL IS TO OTHER THAN
THE NATURAL PARENTS.

A. DUE PROCESS REQUIRES REVIEW
OF AGENCY DECISIONS TO RE-
MOVE FOSTER CHILDREN TO
PLACEMENTS OTHER THAN WITH
THEIR NATURAL FAMILY.

While the decision to return children home is not discretionary, all other removal decisions are discretionary, and are based, not upon the protected right to custody, but upon administrative judgments. These judgments affect the liberty of the child and the quality of his care. Procedural due process review is required.

Theoretically, the executive head of an authorized child welfare agency assumes the custody of a child placed in foster care and the responsibility to act in place of the parent to ensure the child's physical and emotional well-being. In practice, however, the agency executive does not and cannot act as a substitute parent. He is the head of a large bureaucracy, not a caring adult

who personally knows and is responsible for a particular child.

Most decisions concerning the thousands of foster care children are delegated to individual workers. They, in turn, however well-intentioned and competent, are overworked members of a bureaucracy that is not always responsive or sensitive to either social workers or children.

In New York City the problem is further complicated by delegating the care of most foster children to voluntary agencies through purchase-of-service contracts.^{2/}

^{2/} In New York City, although custody is normally assumed by the Commissioner of Social Services, about 85% of the foster care cases are delegated to state authorized, voluntary, child welfare agencies. T. Lash & H. Sigal, State of the Child: New York City 62 (1976). The 1975-76 New York City Budget lists 83 voluntary agencies receiving payments for foster care children. City of New York, Office of the Mayor, 1975-1976 Schedules Supporting the Executive Budget 655.

For these children, the city provides little or no monitoring. The New York State Department of Social Services has noted "...the continued inability of the city to establish a meaningful system to monitor the performance of the voluntary agencies with respect to children placed in their care." New York State Department of Social Services Metropolitan Regional Audit Office, Audit of Foster Care: New York City Department of Social Services 8 (August, 1976).

Facts do not support the identity of interest between the agency and the child noted in the dissent below. Dissenting Opinion, at 6-7. The plight of children "lost" and "forgotten" in foster care bureaucracies is well documented. Rein et al., supra at 38-39; Sherman et al., supra at 2-6. Equally acknowledged are the devastating effects of numerous placements, tem-

porary status and worker turnover on children in care. Id. at 41. None of this suggests an easy reliance on the agency for the protection and representation of the children's best interests.

B. HEARING PROCEDURES MUST
PROTECT CHILDREN'S DUE
PROCESS RIGHTS TO A
REVIEW.

In the context of New York's foster care system, foster parents are not appropriate spokesmen for the interests of their foster children. As recognized by the Court below, the interests of children and foster parents are not always identical and often will be in conflict. Amended Opinion at 13.

Foster parents manifest many different motivations and attitudes toward their role and toward their foster children, as well as different degrees of competence and emotional involvement. See, e.g., M. Wolins, Selecting

Foster Parents (1963). In one study, attitudes toward children "varied from accepting, to grossly rejecting, to idealizing, with the greatest cluster centered around ambivalence." Z. DeFries, S. Jenkins & F. Williams, Foster Family Care for Disturbed Children - A Non-Sentimental View, in Child Welfare Services: A Sourcebook 198 (A. Kadushin, ed. 1970).

The protection of the rights and interests of foster children should not depend on the sophistication or emotional commitment of their foster parents. Nor should children be vulnerable to the possibility of foster parents advancing their own interests and desires in the name of the "best interests of the child." Independent representation is necessary. Requiring a hearing in every instance is the most straightforward way of resolving the difficulties involved in providing representation for the purpose of

triggering a review.

Much of the seemingly burdensome expense of this solution might be eliminated by using, within the limits of due process requirements, intelligent and knowledgeable waiver of appearances to avoid full confrontation procedures. To be effective, this would require real representation of the child and the child's position by an independent children's advocate.

C. HEARING PROCEDURES MUST
BE INFORMAL AS WELL AS
CONSTITUTIONALLY PRO-
TECTIVE.

We agree with the Court below that trial-type hearings are not required to afford due process protection. Amended Opinion at 16. Indeed there are sound social policy reasons to encourage informality whenever possible. The decisions concerning the upbringing of a child and the best, or least destructive, way to meet the physical and emotional needs of a child, whether infant or adolescent, are

difficult ones under any circumstances. The fact of foster placement increases the difficulty. Procedures for review of removal and replacement decisions must be informal to encourage frank and extensive discussion by the child, the parent and the foster parent, those most directly and knowledgeably concerned.

Informal proceedings are most likely to minimize any existing tension between the parties involved and to avoid creating new ones. Finally, informal hearings are likely to offer the quickest route to a final decision, which is an important factor when, pending a hearing, children remain in foster homes found inappropriate by agency standards.

Ascertaining and representing the interests of children in accordance with full due process safeguards, while at the same time acting informally, rapidly and sensitively to the complex and delicate concerns involved, is a

dilemma of considerable dimension. If informality and speed are sacrificed, much will have been lost by children. In other contexts, administrative agencies have had difficulty in meeting judicial hearing requirements even when under explicit Court orders concerning named children. Festinger, supra at 524-28.

We believe it possible to balance these considerations satisfactorily and, in this regard, welcome the reserve of the Court below in leaving the agency to develop the final form of a procedure that meets this dual requirement. We are encouraged by the existence of successful models for informal due process hearings in other areas, e.g., the hearings provided public school students in New York City prior to suspension. A successful and tested solution promises application in other social welfare fields and other jurisdictions. For example, if a satisfactory, informal review

procedure could be developed, it could be used to replace the fully adversarial Section 392 reviews.

In light of the difficulties presented, we hope that the lower Court will retain oversight and, in particular, will review a plan developed by the administrative agency to test these considerations before finding satisfactory compliance.

CONCLUSION

It is respectfully requested that this Court:

- a) reverse the opinion of the Court below insofar as it requires a review of agency decisions to return home children who have been voluntarily placed in foster care, and
- b) affirm the remainder of the opinion acknowledging the right of children in foster care to prior due process review of agency decisions to remove them from one foster placement to another.

Respectfully submitted,

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WILLIAM B. HALEY
Attorney for Amicus Curiae
Community Service Society
of New York
105 East 22nd Street
New York, New York 10010

In the

Supreme Court of the United States

Nos. 76-180, 76-183
76-5193, 76-5200

JAMES DUMPSON, individually and as Administrator of the NEW YORK CITY HUMAN RESOURCES ADMINISTRATION: ELIZABETH BEINE, individually and as Director of the NEW YORK CITY BUREAU OF CHILD WELFARE, and as Acting Assistant Administrator of NEW YORK CITY SPECIAL SERVICES FOR CHILDREN: ADOLIN DALL, individually and as Director of the DIVISION OF INTER-AGENCY RELATIONSHIPS of the BUREAU OF CHILD WELFARE: and JAMES P. O'NEILL, individually and as Executive Director of CATHOLIC GUARDIAN SOCIETY OF NEW YORK: BERNARD SHAPIRO, individually and as Executive Director of the New York State Board of Social Welfare; ABE LEVINE, individually and as Commissioner of the New York State Department of Social Services, and JOSEPH D'ELIA, individually and as Commissioner of the Nassau County Department of Social Services,

Appellants-Defendants,

NAOMI RODRIGUEZ, ROSA DIAZ, MARY ROBINS, DOROTHY NELSON SHABAZZ, and LILLIAN COLLAZO, on behalf of themselves and all other similarly situated,

Appellants-Intervenors,

DANIELLE and ERIC GANDY, RAFAEL SERRANO, and CHERYL, PATRICIA, CYNTHIA and CATHLEEN WALLACE on behalf of themselves and all others similarly situated,

Appellants-Plaintiffs,

-against-

ORGANIZATION OF FOSTER FAMILIES FOR EQUALITY AND REFORM, MADELINE SMITH, RALPH and CHRISTINE GOLDBERG, and GEORGE and DOROTHY LHOTAN, on behalf of themselves and all others similarly situated,

Appellees.

Approval by Parties to File Amicus Brief

DUMPSON

v.

ORGANIZATION OF FOSTER FAMILIES
FOR EQUALITY AND REFORM

Docket No.

76-183

All parties to this action, listed below, hereby
consent to the filing in the Supreme Court of the United
States a brief by Community Service Society, 105 East
22 Street, New York, New York 10010 as an amicus curiae.

MARCIA ROBINSON LOWRY, Esq.
New York Civil Liberties Union,
Attorneys for Plaintiffs Organization of Foster
Families for Equality and Reform; Madeline Smith;
Ralph and Christiane Goldberg; George and Dorothy
Lhotan; on behalf of themselves and all others
similarly situated,
Office and P.O. Address:
84 Fifth Avenue, New York, N.Y. 10011

Dated: Nov 18, 1976 Marcia Robinson Lowry

HELEN L. BUTTENWIESER, Esq.,
Attorney for Plaintiffs Danielle and Eric Gandy;
Rafael Serrano; Cheryl, Patricia, Cynthia and
Cathleen Wallace; on behalf of themselves and all
others similarly situated,
Office and P.O. Address:
575 Madison Avenue, New York, N.Y. 10022

Dated: Nov 17, 1976 Helen L. Buttenwieser

W. BERNARD RICHLAND, Esq., Corporation Counsel,
Attorney for Defendants James Dumpson and
Elizabeth Beine
Office and P.O. Address:
Room 1613, Municipal Building, New York, N.Y. 10007
By: Leonard Koerner

by LEONARD KOERNER

Dated: 11/17/76 Leonard Koerner

JAMES M. CATTERSON, JR., ESQ. County Attorney of
Nassau County,
Attorney for Defendant James P. O'Neill
Office and P.O. Address:
1 West Street, Mineola, New York
By: JAMES GALLAGHER, Esq.

SEE LETTER ATTACHED

Dated: _____

LOUIS J. LEFKOWITZ, Attorney General of the State
of New York and SAMUEL A. HIRSHOWITZ, First
Assistant Attorney General,
Attorneys for Defendants Bernard Shapiro
and Abe Lavine
Office and P.O. Address:
Two World Trade Center, New York, N.Y. 10047
By: Maria Marcus, Esq.

Dated: Nov. 17, 1976 Maria J. Marcus
Assistant Attorney General

MARTTIE L. THOMPSON, Esq. and TOBY GOLICK, Esq.
Attorneys for Intervenor-Defendants,
Office and P.O. Address:
Community Action for Legal Services,
335 Broadway, New York, N.Y. 10013
By: Louise Gans, Esq.

Dated: 11/17/76 Louise Gans

RALPH G. CASO
COUNTY EXECUTIVE



COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
NASSAU COUNTY EXECUTIVE BUILDING
MINEOLA, NEW YORK 11501
516 535-2990

JAMES M. CATTERSON, JR.
COUNTY ATTORNEY

BURTON S. JOSEPH
CHIEF DEPUTY COUNTY ATTORNEY

LOUIS SCHULTZ
SENIOR DEPUTY COUNTY ATTORNEY
LITIGATION DIVISION

LOUIS A. ROSSANO
SENIOR DEPUTY COUNTY ATTORNEY
LITIGATION DIVISION

November 18, 1976

Community Service Society
105 E. 22nd Street
New York, N.Y.

Attn: William Haley, Esq.

Re: OFFER v. Dumpston

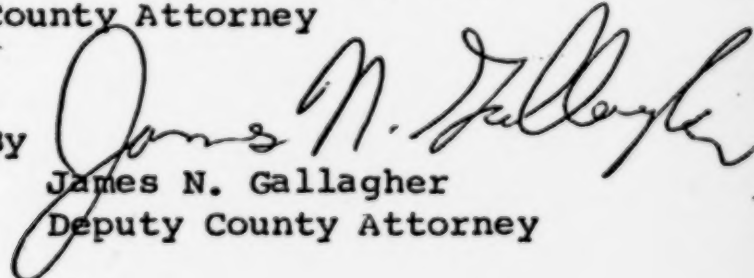
Dear Sir:

The defendant, County of Nassau, in the above matter hereby consents to your filing an amicus curiae brief in said action which is presently pending before the Supreme Court of the United States and has the docket number of 76-183.

Very truly yours,

JAMES M. CATTERSON, JR.
County Attorney

By


James N. Gallagher
Deputy County Attorney

JNG:pm